

Appl. No. 10/808,922  
Amdt. dated January 22, 2008  
Reply to Office Action of October 23, 2007

PATENT

**Amendments to the Drawings:**

The attached drawing sheet includes changes to Fig. 6. This sheet replaces the original sheet including Fig. 6.

Attachment: Replacement Sheet

### **REMARKS**

This paper is responsive to the Office Action dated September 21, 2007. Claims 1, 3-7, and 10-14 are currently pending in the subject application. Claims 1, 6, 7 and 10-14 have been amended. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

#### Examiner Interview

Applicants thank the Examiner for his time on December 7, 2007 to discuss the proposed claim amendments.

#### Claim Objections

The Office Action objected to claims 1, 6, 7 and 12-14 for improper language. The Office Action also provided suggestions for amending the claims to overcome the objections. Applicants have amended the claims in accordance with the suggestions provided in the Office Action. Specifically, claims 1, 7 and 14 have been amended to change "nor" to "or"; claims 6 and 12 have been amended to delete "destined for irradiation with the laser beam"; claim 7 has been amended to change "both are located" to "both located"; and claim 13 has been amended to change "on and inner" to "on an inner". Thus, the objection to claims 1, 6, 7 and 12-14 is overcome.

#### Claim Rejections under 35 USC §112

The Office Action rejected claims 1, 3-7, 10-12 and 14 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Office Action states that a recording management area located on an outer periphery of an optical disc is not disclosed. Specifically, the Office Action states that the dark

line between the data area and the PCA of Figure 6 does not comprise a recording management area.

Applicants have amended Figure 6 to indicate the location of the recording management area. Specifically, reference numeral 404 is added to Figure 6 to indicate the location of the recording management area. Applicants acknowledge that the recording management area is not located on an outer periphery of the recordable optical disk. Thus, claims 7, 10 and 11 has been amended to delete any reference to the recording management area.

The Office Action rejected claims 1, 3-7, 10-12 and 14 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action states that the claims contain subject matter which was not described in the specification in such a way as to reasonably enable one skilled in the relevant art to which it pertains, or with which it is most likely connected, to make and/or use the invention.

Applicants have amended claim 1 to recite features which are described in the specification. Specifically, claim 1, as amended, recites in part "controlling said laser diode driver module for emitting the laser beam to observe an optical amount of the irradiation for the purpose of adjusting a laser power." This feature of claim 1 is disclosed in the specification. (See, for example, page 3, lines 9-10; page 9, lines 16-17 and page 17, lines 12-13 of the specification). Independent claims 7 and 14 have been similarly amended.

The Office Action rejected claims 1, 3-7 and 10-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action states that it is unclear where the laser beam is irradiated if it is not on the only areas the claimed disk comprises, namely the PCA and the RMA.

Applicants have amended claim 1 to recite features that describe where the laser beam is irradiated. Specifically, claim 1, as amended, recites in part "said control means controls said objective lens driving means such that the laser beam is irradiated on the mirror area but is not irradiated on the power calibration area or the recording management area." Independent claims 7, 13 and 14 have been similarly amended.

In view of the foregoing, withdrawal of the rejection of claims 1, 3-7 and 10-14 under 35 U.S.C. § 112 is respectfully requested.

Claim Rejections under 35 USC §103

The Office Action rejected claims 1, 3-6, and 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0150394 to *Osakabe* in view of U.S. Patent No. 5,425,013 issued to *Fennema*. Without conceding the merits of the rejection, Applicants respectfully submit that the amended claims overcome this rejection.

Claim 1, as amended, recites in part, a "control means controls said objective lens driving means such that the laser beam is irradiated on the mirror area but is not irradiated on the power calibration area or the recording management area while controlling said laser diode driver module for emitting the laser beam to observe an optical amount of the irradiation for the purpose of adjusting a laser power."

In contrast, *Osakabe* discloses placing a bar code in a mirror area 18. (Fig. 3). The bar code records track pitch information and linear velocity information. The optical pickup can read the bar code prior to recording and reproducing of information on the disk. (Paragraph [0035], last few lines).

The Office Action states that *Fennema* discloses a mirror area of a disk that prevents calibration from being skewed by a non-constant reflection signal. However, *Fennema* is directed to a tracking error signal that is irradiated on a mirror area to adjust a tilt between the disk and the optical head. (See column 2, lines 56-64).

*Osakabe* and *Fennema* do not disclose all of the features recited in independent claim 1. Specifically, *Osakabe* and *Fennema* do not teach a "controlling said laser diode driver module for emitting the laser beam to observe an optical amount of the irradiation for the purpose of adjusting a laser power." For at least this reason, claim 1 is allowable over the cited art.

Claims 3-6 depend from claim 1. As discussed above, claim 1 is allowable. Thus, claims 3-6 are also allowable for at least the same reasons, as well as on their own merits.

Independent claim 13, as amended, recites features that are similar to the features recited in amended claim 1. As discussed above with reference to claim 1, the cited art does not teach these features. Thus, claim 13 is also allowable over the cited art for at least the same reasons.

The Office Action also rejected claims 7, 10-12, and 14 under 35 U.S.C. 103(a) as being unpatentable over *Osakabe* and *Fennema* in view of U.S. Patent Publication No. 2002/0110065 to *Wang*. Without conceding the merits of the rejection, Applicants respectfully submit that the amended claims overcome this rejection.

Claim 7, as amended, recites in part, a "control circuit controls said objective lens driving means such that the laser beam is irradiated on the mirror area but is not irradiated on the power calibration area or the recording management area while controlling said laser diode driver module for emitting the laser beam to observe an optical amount of the irradiation for the purpose of adjusting a laser power."

As discussed above, *Osakabe* discloses placing a bar code in a mirror area. The bar code records track pitch information and linear velocity information. The optical pickup can read the bar code prior to recording and reproducing of information on the disk.

Also discussed above, *Fennema* is directed to a tracking error signal that is irradiated on a mirror area to adjust a tilt between the disk and the optical head.

*Wang* discloses an outer power calibration area 52. (Fig. 2).

*Osakabe*, *Fennema* and *Wang* do not disclose all of the features recited in independent claim 7. Specifically, *Osakabe*, *Fennema* and *Wang* do not teach a "controlling said laser diode driver module for emitting the laser beam to observe an optical amount of the irradiation for the purpose of adjusting a laser power." For at least this reason, claim 7 is allowable over the cited art.

Claims 10-12 depend from claim 7. As discussed above, claim 7 is allowable. Thus, claims 10-12 are also allowable for at least the same reasons, as well as on their own merits.

Independent claim 14, as amended, recites features that are similar to the features recited in amended claim 7. As discussed above with reference to claim 7, the cited art does not

teach these features. Thus, claim 14 is also allowable over the cited art for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 1, 3-7 and 10-14 under 35 U.S.C. 103(a) is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Date: January 23, 2008

/John J. Farrell/  
John J. Farrell  
Reg. No. 57,291

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 206-467-9600  
Fax: 415-576-0300  
Attachment  
JJF:kbh

61247618 v1

## Appendix